

THE HONORABLE RICHARD A. JONES

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

JOHN D. KNECHT

Plaintiff,

No. 2:12-cv-1575 RAJ

v.

**PLAINTIFF'S INITIAL
DISCLOSURES**

FIDELITY NATIONAL TITLE
INSURANCE COMPANY,
MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS INC.,
DEUTSCHE BANK NATIONAL
TRUST CO. AS TRUSTEE FOR GSR
MORTGAGE LOAN TRUST 2006-0A1,
MORTGAGE-PASS THROUGH
CERTIFICATES, SERIES 2006-0A1,
AMERICAN HOME MORTGAGE
SERVICING INC.,

Defendants.

Plaintiff John D. Knecht, hereby submits his initial disclosures to Defendants, pursuant to the Federal Rules of Civil Procedure 26(a)(1). At this early stage of litigation, Plaintiff cannot know or anticipate all documents or witnesses that will be or may become relevant to this action. Plaintiff makes these disclosures based on the information reasonably available at

1 this time. Plaintiff reserves all objections regarding discovery, admissibility, or use of any
2 information in this action.

3 **A. Individuals Likely to Have Discoverable Information**

4 Plaintiff believes that the following individuals may have discoverable information
5 that can be used to support their claims:

6 1. Name: CR 30(b)(6) Designee, American Brokers Conduit, Address: 538
7 Broadhollow Road, Melville, NY 11747. Subject of Discoverable Information: This witness is
8 expected to have full knowledge of all claims and facts supporting Plaintiffs claims, including
9 communications, negotiations, agreements, contracts, performances, billing, accounting and
10 payments with, by and from, Defendants to both Plaintiff, along with applicable damages and
11 relevant documents.
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13 2. Name: CR 30(b)(6) Designee, Fidelity National Title Company of Washington;
14 Fidelity National Title Insurance Company, 17592 E. 17th Street; Suite 300, Tustin, CA 92780.
15 Subject of Discoverable Information: This witness is expected to have full knowledge of all
16 claims and facts supporting Plaintiffs claims, including communications, negotiations,
17 agreements, contracts, performances, billing, accounting and payments with, by and from,
18 Defendants to both Plaintiffs, along with applicable damages and relevant documents.
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20 3. Name: Lisa Bradford, Authorized Signature, Fidelity National Title Insurance
21 Company, 17592 E. 17th Street; Suite 300, Tustin, CA 92780. Subject of Discoverable
22 Information: This witness signed a Notice of Trustee's Sale and is expected to have full
23 knowledge of all claims and facts supporting Plaintiffs claims, along with applicable damages
24 and relevant documents.
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1 4. Name: Shena Marie La Rue, purports to be a Notary Public. Address: unknown.
2 Subject of Discoverable Information: This witness notarized the signature of Lisa Bradford,
3 who signed a Notice of Trustee Sale, and is expected to have full knowledge of all claims
4 related to that transaction.

5 5. Name: Juan Enriquez, Authorized Signature, Fidelity National Title Insurance
6 Company, 1920 Main Street; Suite 1120, Irvine, CA 92614. Subject of Discoverable
7 Information: This witness signed a Notice of Foreclosure, Notice of Discontinuance of
8 Trustee's Sale and Notice of Trustee's Sale, and is expected to have full knowledge of all
9 claims and facts supporting Plaintiffs claims, along with applicable damages and relevant
10 documents.

12 7. Name: Stephanie Islas, purports to be a Notary Public. Address: unknown. Subject
13 of Discoverable Information: This witness notarized the signature of Juan Enriquez, who
14 signed a Notice of Discontinuance of Trustee Sale, and is expected to have full knowledge of
15 all claims related to that transaction.

17 8. Name: Lorena Enriquez, purports to be a Notary Public. Address: unknown. Subject
18 of Discoverable Information: This witness notarized the signature of Juan Enriquez, who
19 signed a Notice of Foreclosure and Notice of Trustee Sale, and is expected to have full
20 knowledge of all claims related to that transaction.

21 9. Name: CR 30(b)(6) Designee, Mortgage Electronic Registration Systems, Inc.,
22 (MERS), Address: P.O. Box 2026, Flint MI 48501-2026.

24 10. Name: CR 30(b)(6) Designee, McCarthy & Holthus, LLP, 1770 Fourth Avenue,
25 San Diego, CA 92101. Subject of Discoverable Information: McCarthy Holthus, LLP is a
26 multi-state law firm with years of experience in successfully representing financial institutions

1 in a variety of banking law matters with a specialization of mortgages in default. McCarthy
2 Holthus, LLP provides services in the states of California, Nevada, Arizona, Washington,
3 Oregon, and New Mexico in legal representation before U.S. Bankruptcy Courts, U.S. District
4 Courts and State Courts.

5 11. Name: Michelle Halyard – purports to be a Vice President, Mortgage Registration
6 Systems, Inc., as nominee for American Brokers Conduit. Address: unknown. Subject of
7 Discoverable Information: This witness is a known Robo-signer, who executed an assignment
8 and transfer of Plaintiff's Deed of Trust to Deutsche Bank National Trust Company, as Trustee
9 for GSR Mortgage Loan Trust 2006-0A1, Mortgage Pass-Through Certificates, Series 2006-
10 0A1; and is expected to have full knowledge of all claims and facts supporting Plaintiff's
11 claims, along with applicable damages and relevant documents.

12 12. Name: Brenda L. Frazier – purports to be a Notary Public. Address: unknown.
13 Subject of Discoverable Information: This witness notarized the signature of Michelle Halyard,
14 known Robo-signer, who executed an assignment and transfer of Plaintiff's Deed of Trust to
15 Deutsche Bank National Trust Company, as Trustee for GSR Mortgage Loan Trust 2006-0A1,
16 Mortgage Pass-Through Certificates, Series 2006-0A1; and is expected to have full knowledge
17 of all claims related to that transaction.

18 13. Name: Cindi Ellis purports to be a vice president with Deutsche Bank National
19 Trust Company. Address: unknown. Subject of Discoverable Information: This witness is
20 expected to have full knowledge of all claims and facts supporting Plaintiff's claims, including
21 whether she had authority to appoint a successor trustee and the relationships between Fidelity
22 National Title, McCarthy Holthus, LLP, MERS, and Deutsche Bank National Trust Company;
23 and the rights and agreements there between, as well as, communications, negotiations,
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1 agreements, contracts, performances, billing, accounting and payments with, by and from,
2 Defendants to both Plaintiffs, along with applicable damages and relevant documents.

3 14. Name: Kraig Kirtley – purports to be a Notary Public based in California. Address:
4 unknown. Subject of Discoverable Information: This witness notarized the signature of Cindi
5 Ellis known and is expected to have full knowledge of all claims and facts supporting Plaintiffs
6 claims, including communications, negotiations, agreements, contracts, performances, billing,
7 accounting and payments with, by and from, Defendants to both Plaintiffs, along with
8 applicable damages and relevant documents.
9

10 15. Name: All witnesses listed by other parties to this lawsuit.

11 16. Name: Additional witnesses the identities of whom are learned through further
12 discovery, investigation and trial preparation.

13 **B. Documents**

14 Plaintiffs will not produce any documents which are subject to the attorney-client
15 Privilege and/or work product doctrine, or that are otherwise protected from disclosure in
16 accordance with the Federal Rules of Civil Procedure. Plaintiffs make these initial disclosures
17 to expedite the discovery process and without waiving any of their objections to the
18 admissibility of information disclosed under the Federal Rules of Evidence, the Federal Rules
19 of Civil Procedure, or the Local Rules of this Court.
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21 The following is a description of the relevant and non-privileged categories of
22 documents, data compilations, and tangible things currently within the possession, custody or
23 control of the Plaintiffs, that have been located to date and that Plaintiffs may use to support
24 their defenses, excluding those to be used solely for impeachment: (1) records of the Plaintiff's
25 loan payment history; (2) loan default notices and related documents; (3) loan collection notes;
26

1 (4) correspondence and/or agreements between Plaintiffs and Defendants regarding Plaintiff's
2 Mortgaged loan; (5) disclosures provided to Plaintiffs at or before their loan closing; (6)
3 Plaintiff's application for a loan modification; (7) other documents associated with Plaintiffs
4 application for a refinanced mortgage loan; and (8) documents associated with the foreclosure
5 sale of Plaintiff's mortgage loan. Plaintiffs are continuing their investigation and reserve the
6 right to supplement or amend this disclosure.

7 **C. Damages**

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9 Plaintiffs anticipate asserting multiple claims for damages in this action and thus, they
10 have some computation to provide and support evidentiary materials produced. Plaintiffs may
11 seek payment of attorney's fees, expenses and costs included, in the event that any or all of the
12 claims are allowed at any time. Plaintiffs reserve the right to supplement or amend this
13 disclosure.

14 **D. Conclusion**

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16 Plaintiffs make these initial disclosures based on the information reasonably available
17 to them at this stage of the initial proceedings and without waiver of any rights to provide or
18 use additional information, documents, or disclosures that may become available during this
19 litigation. Plaintiffs will timely supplement the disclosures upon identification of other
20 information appropriate to this action.

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1 DATED: April 18th, 2013, in Arlington, WA.

2 Respectfully submitted

3 STAFNE LAW FIRM

4 

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7 Arlington, WA 98223
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9 scott.stafne@stafnelawfirm.com

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12
13
14
15 CERTIFICATE OF ELECTRONIC SERVICE

16 I hereby certify that I electronically filed the foregoing with the Clerk of the Court for the
17 United States District Court for the Western District of Washington by using the CM/ECF
18 system on April 18, 2013, upon:

19 Daniel Allen Womac
20 FIDELITY NATIONAL LAW GROUP
21 1200 6TH AVENUE STE 620
22 SEATTLE, WA 98101
23 206-224-6004
24 Email: daniel.womac@fnf.com
25 Attorney for Defendant Fidelity National
26 Title Insurance Company

Frederick B Rivera
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PLAINTIFF'S INITIAL DISCOVERY - 7

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3 206-359-8000
4 Fax: 206-359-9000
5 Email: FRivera@perkinscoie.com
6 Attorney for Defendant MERS &
7 Deutsche Bank National Trust Co.
8
9

10 I further certify that all participants in the case are registered CM/ECF users and that
11 service will be accomplished by the appellate CM/ECF system.
12
13

14 DATED April 18, 2013 in Arlington, WA.
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16

17 By:

18 /s/ Shaina Dunn
19 Stafne Law Firm
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